



ADMINISTRATIVE ORDINANCE

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ARTICLE I. GENERAL PROVISIONS

Sec. 1-1. Rules of construction and definitions.

In the construction of all ordinances enacted in the City of Waterville, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. All general provisions, terms, phrases and expressions contained in any City ordinance shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out.

City shall mean the City of Waterville, Maine.

City council, council. Whenever the words "council" or "city council" are used, they shall be construed to mean the city council of the City of Waterville.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, (and the day on which such proceeding is to be held shall not be counted.)

Corporate or city limits. The term "corporate limits" or "city limits" shall mean the legal boundaries of the City of Waterville, Maine.

County. The words "the county" or "this county" shall mean the County of Kennebec in the State of Maine.

Delegation of authority. Whenever a provision appears requiring the director of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the director of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Inhabitant shall mean a person having an established residence.

Joint authority. All words giving a joint authority to three (3) or more persons as officers shall be construed as giving such authority to a majority of such persons or officers.

Mayor shall mean the mayor of the city.

Month. The word "month" shall mean a calendar month.

Municipal officers. The words "municipal officers" shall mean the mayor and the councilors.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officials, boards, commissions. Whenever reference is made to officials, boards or commissions by title only, i. e. "city council", "city clerk", "the mayor", "city administrator", they shall be deemed to refer to the officials, boards, and commissions of the City of Waterville.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant, of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property includes every species of property except real property, as herein described.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements, and hereditaments.

Shall. The word "shall" is mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Maine.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Sec. 1-2. Design of seal.

The seal of City of Waterville shall be a circular disc with the words "Waterville, Incorporated 1802, Became a City 1888", on the periphery, and a picture of a steam train crossing the Kennebec River at the Ticonic Falls in the center. The city clerk shall be the custodian of the seal of the city.

State law references: Authority to adopt a seal, 30 M.R.S.A. § 1902.

Charter references: Clerk to be custodian of city seal, Art. V, § 3.

Sec. 1-3. Wards described.

Pursuant to Article X, §§ 1, 2, of the City Charter, the city shall be divided into seven (7) wards along the boundary lines hereinafter set forth:

Ward 1. Beginning at a point on the Kennebec River where the center line of High Street, if extended easterly in a line would intersect said river; thence running westerly along said extended line and the present center line of High Street to the intersection of Main Street; thence southerly along the center line of Main Street to the intersection of Eustis Parkway; thence westerly along the center line of Eustis Parkway to the intersection of North Street; thence northerly along the center line of North Street to the center of the Cedar Bridge; thence northerly along the center of the Messalonskee Stream to the Fairfield town line; thence easterly along the Fairfield town line to a point in the center of Kennebec River; thence southerly along the center line of the Kennebec River to the point of beginning.

Ward 2. Beginning at the southeasterly corner of Ward 1 at the Kennebec River, as hereinbefore described, and running the courses and distances mentioned the boundaries of Ward 1 as hereinbefore described, to the center line of Cedar Bridge; thence northwesterly along the center line of Mayflower Hill Drive to the center line of the Guilford Railroad tracks; thence in a general southerly and easterly direction along the centerline of the Guilford Railroad tracks to the intersection of North and West Streets; thence proceeding in an easterly direction along the centerline of North Street to where it intersects with Main Street; thence northerly along the centerline of Main Street to the intersection of Getchell Street, thence easterly along and in an extension of the centerline of Getchell Street to the center of the Kennebec River; thence proceeding in a northerly direction along the center line of the Kennebec River to the point of beginning.

Ward 3. Beginning at a point where the Guilford Railroad tracks intersect North Street; thence proceeding southerly along the center line of West Street to the intersection of Morrill Avenue; thence proceeding westerly along the center line of Morrill Avenue to the intersection of Burleigh Street; thence proceeding southerly along the center line of Burleigh Street to the intersection of Gilman Street; thence proceeding westerly along the center line of Mayflower Hill Drive/Gilman Street to Mount Merici Avenue; thence proceeding southerly along the center line of Mount Merici Avenue to the intersection of Western Avenue; thence proceeding in a easterly direction along the centerline of Western Avenue to the northerly entrance to Mr. Merici School; thence southerly along the school entrance road until it intersects with Chase Avenue; thence proceeding westerly along the center line of Chase Avenue/Lincoln Street to the intersection of Washington Street, thence proceeding northerly along the center line of Washington Street until it intersects with the Oakland town line; thence northerly along the Oakland town line to the northwestern boundary of Ward 1; thence southeasterly along the southerly boundary of Ward 1 to the Cedar Bridge; thence westerly along the north boundary of Ward 2 to the center line of the Guilford Railroad tracks; thence easterly along the southerly boundary of Ward 2 to the point of beginning.

Ward 4. Beginning at a point where the center line of Burleigh Street intersects Gilman Street; thence southerly along the center line of Burleigh Street to the center line of Winter Street; thence westerly to the midline of Messalonskee Stream; thence in a southerly, easterly and southerly direction along the mid line of Messalonskee Stream to the center line of Kennedy Memorial Drive; thence westerly along the center line of Kennedy Memorial Drive to Cool Street; thence proceeding in a northerly direction along the center line of Cool to the intersection of Barnet Avenue; thence proceeding westerly along the center line of Barnet Avenue to the intersection of First Rangeway; thence proceeding southerly along the center line of First Rangeway to Kennedy Memorial Drive; thence proceeding westerly along the center line of Kennedy Memorial Drive to the Oakland town line; thence proceeding northerly on the Oakland town line to the southerly boundary of Ward 3; thence along the southerly boundary of Ward 3 to the point of beginning.

Ward 5. Beginning at the southeasterly corner of Ward 4 at the intersection of Kennedy Memorial Drive and West River Road; thence proceeding southerly along the center line of West River Road to a point where Trafton Road intersects the West River Road; thence

westerly along the center line of the Trafton Road to the Oakland town line; thence northerly along the Oakland town line to the center line of Kennedy Memorial Drive; thence along the southerly boundary of Ward 4 to the point of beginning.

Ward 6. Beginning at a point in the Kennebec River which marks the southeasterly boundary of Ward 2; thence proceeding in a westerly direction along the southerly boundary of Ward 2 to the intersection of North Street and West Street; thence proceeding southerly along the center line of West Street to where it intersects with Morrill Avenue; thence westerly along the centerline of Morrill Avenue to the intersection of Burleigh Street; thence southerly along the center line of Burleigh Street to the intersection of Winter Street; thence westerly to the midline of Messalonskee Stream; thence proceeding southerly, easterly and southerly again along the mid line of Messalonskee Stream to a point marking a westerly extension of Silver Terrace; thence proceeding easterly along the center line of Silver Terrace to Silver Street; thence proceeding northerly along the center line of Silver Street to Sherwin Street; thence proceeding easterly along the center line of Sherwin Street to the intersection of Autumn Street; thence southerly along the center line of Autumn Street to the center line of Redington Street; thence easterly and northerly along the center line of Redington Street to the intersection of Water Street; thence proceeding easterly in an extension of the center line of Redington Street to the mid line of the Kennebec River; thence proceeding northerly along the mid line of the Kennebec River to the point of beginning.

Ward 7. Beginning at a point in the midline of the Kennebec River marking the southeasterly boundary of Ward 6; thence proceeding westerly, southerly, westerly and northerly along the southerly line of Ward 6 to the center line of Messalonskee Stream; thence proceeding southerly along the easterly boundary of Ward 4 to the center line of Kennedy Memorial Drive; thence proceeding southerly along the easterly boundary of Ward 5 to where Trafton Road intersects the West River Road; thence proceeding westerly along the center line of the Trafton Road to the Oakland town line; thence southerly along the Oakland town line to the Sidney town line; thence easterly along the Sidney town line to the midline of the Kennebec River; thence proceeding northerly along the midline of the Kennebec River to the point of beginning.

Charter references: Wards generally, Art. X, §§ 1, 2.

Sec.1-4. Fiscal year.

The fiscal year of the city shall commence on the first day of July and end on the last day of June of the following year.

ARTICLE II. CITY COUNCIL *

Sec. 2-1. Time for regular meetings.

(a) Regular meetings of the council shall be held on the first and third Tuesday of each month at 7:00 p.m.

(b) If a regular meeting of the city council occurs on a legal holiday, the same date as a presidential, general or special state election, said meeting shall be held at the same hour on the succeeding Wednesday.

(c) A regular council meeting may be rescheduled to a time and date certain upon a written request by both the Chair of the Council and the City Manager directed to the City Clerk a minimum of seven (7) days prior to the date of the next regularly scheduled meeting.

Charter references: Charter reference--Authority to set time of regular meetings, Art. IV, § 5.

Sec. 2-2. Calling special meeting.

The mayor, or, in his absence, the chairman of the council, may call special meetings of the city council, when in his opinion the interest of the city requires it, by causing a notice to be inserted in one or more of the newspapers published in the city, or by causing a summons or notification to be given in hand or left at the usual place of abode of each member of the council to be convened. Such publication shall be made or summons or notification served four (4) days at least before the day appointed for holding the meeting. This time period shall be inclusive of Saturdays, Sundays and holidays but exclusive of the day of the meeting.

Charter references: Authority to call special meetings, Art. II, § 5 (I).

Sec. 2-3. Form of notice of special meeting.

The form of summons or notification for calling special meetings of the council as provided in Article IV of the charter and section 2-2 of this chapter shall be in substance as follows:

NOTICE

To _____

You are hereby notified to appear and be present at a special meeting of the city council, municipal officers, of the City of Waterville, to be held at _____ in said Waterville on _____ the _____ day of _____ A. D. 20_____, at _____ o'clock in the _____ noon, for the purpose of _____.

Mayor of the City of Waterville

Sec. 2-4. Deadline for submitting new matter.

Cloture shall take place at 2:00 p.m. on the fifth day next preceding any regular meeting of the council. At such time, all business to be conducted at the next regular meeting as provided for in section 2-20, including the roll of accounts, shall be made available to each councilor between the hours of 12:00 and 4:00 p.m. on the Monday and Tuesday preceding the scheduled council meeting. Any councilor may, prior to cloture, submit to the Mayor's office for inclusion on the agenda for the next regular or special council meeting any proposed ordinance, order, resolution, or item for discussion. Any matter so submitted must be placed on the agenda for the upcoming council meeting.

Charter references: Art. II, § 5 (C)

Sec. 2-5. Quorum; compelling attendance.

At any meeting of the council, five (5) members shall constitute a quorum. Upon written petition addressed to the mayor, a copy of which shall be filed with the city clerk, a minority of the council may compel the attendance of absent members. Such petition shall allege the business to be transacted at the meeting desired, the ability of absent members to attend such a meeting and the failure of such members to attend at least the two (2) prior consecutive meetings, legally called in accordance with the city charter. Upon receipt of the petition, the mayor shall provide a copy to the city solicitor who shall investigate the allegations contained. Upon the advice of the city solicitor that the business to be transacted is proper, that sufficient absent members to make up the quorum are able to attend and that the absent members have failed to attend the two (2) consecutive prior meetings, the mayor shall call the meeting. He shall order the attendance of all available members of the council by written instruction, mailed to each

member, certified mail, return receipt requested. Any councilor failing to attend such a meeting shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilor.

Charter references: Quorum for warrant, Art. IV, § 6.

Sec. 2-6. Rules of order adopted.

Rules of procedure of meetings of the city council shall be current Robert's Rules of Order.

Sec. 2-7. Effect of repeal of ordinances.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 2-8. Severability of parts of Ordinances.

The sections, paragraphs, sentences, clauses and phrases of this and all other ordinances are severable, and if any phrase, clause, sentence, paragraph or section of this ordinances shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinances.

Sec. 2-9. General penalty for violation of Ordinances; continuing violations.

Whenever any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor in any City ordinance, where no specific penalty is provided therefore, the violation of any such provision of this ordinance or any ordinance shall be punished by a minimum fine of one hundred dollars (\$100.00), (which may not be suspended) and a maximum fine of five hundred dollars (\$500.00). The minimum fine for a second violation of the same provision of any ordinance is two hundred dollars (\$200.00), which cannot be suspended. The minimum fine for a third or subsequent violation of the same provision of any ordinance is four hundred dollars (\$400.00), which cannot be suspended. Each day any violation of any provision of any ordinance shall continue shall constitute a separate offense. If the city is the prevailing party in a prosecution for violating a provision of any ordinance, the city shall be awarded its reasonable attorney's fees.

Sec. 2-10. Recovery of fines, forfeitures, penalties.

All fines, forfeitures and penalties for the violation of any act, ordinance, law or regulation of the city, shall, unless otherwise directed in any particular ordinance, be recoverable by civil action, in the name of the city, or by complaint and warrant before the Northern Kennebec District Court, and, when recovered, shall inure to the use of the city and be paid into the city treasury, except in cases where it may be otherwise specially provided.

The city manager is authorized to enter into administrative consent agreements for the purpose of eliminating violations of any act, ordinance, law or regulation of the city and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless the illegal structure or use was constructed or conducted as a direct result of erroneous

advice given by an authorized municipal official, or there is no evidence that the owner acted in bad faith and the violation is only a de minimis one.

2-11. Record of ordinances to be kept.

All ordinances, after their final passage and approval according to law, shall be recorded by the city clerk, in a book kept for that purpose, with proper margins and index, and strongly bound, to be lettered "Record of Ordinances of the City of Waterville", which book shall be preserved in the office of the city clerk, subject to the inspection of all interested persons. The city clerk shall make, or cause to be made, an alphabetical index to such ordinances, such index to show, by topical words or otherwise, the subject of the ordinances.

Charter references: Record of ordinances, Art. IV § 10.

ARTICLE III. DISPOSITION OF CITY-OWNED PROPERTY*

Sec 3-1. Sale of city-owned property; authority.

The city council, acting as the municipal officers of the city, shall have the sole authority to sell property owned by the city. The procedures that are provided for in this article are to be adhered to and may be varied only by the process of amendment. Provisions of such sections are to be strictly construed.

Sec. 3-2. Property list to be maintained.

The city, through its assessor's office shall maintain a list of all city-owned property by various classifications.

Sec. 3-3. Initiation of sale.

The sale of city-owned property may be initiated by action of the administration or an individual seeking to purchase the property. If the proposed sale is initiated by the administration, it shall be incumbent upon the administration to discuss the matter with the municipal officers prior to any negotiations or understandings with a potential purchaser. Notwithstanding how the proposed sale was initiated, the procedures set forth in this article shall be followed.

Sec. 3-4. Procedure for sale--Written report.

A representative of the administration shall provide the following information in writing:

- (a) Identification of proposed purchaser and whether the proposed purchaser was the initiating party. If a broker was the initiating party, the broker must reveal the principal. The city will not be responsible for brokerage unless there is a specific agreement approved by the city council. If a purchase price is offered, the offer must be set forth in all of its details.
- (b) The manner in which the property was acquired by the city.
- (c) If there is a proposed use for the property that would require a zoning change this fact must be set forth. If there are any restrictions on the use of the property, such as, but not so limited to, restrictive covenants, public trust, grant restrictions, and state or federal environmental laws, such restrictions must be set forth.

Sec. 3-5. Procedure for sale--Initial determination; conditions, appraisal, method of sale.

The municipal officers after having received a report in writing on those matters contained in section 3-4 shall make an initial determination whether the sale of the property in question should be pursued. The municipal officers have the authority to place any restrictions or conditions on the sale of the property, including, but not so limited to, conditions that would require commencement of building within a certain period of time; completion of building within a specific time; financial ability to perform, aesthetic and screening provisions more stringent than existing zoning provisions; automatic reversion upon failure of certain conditions.

The municipal officers may request through the administration that the property be appraised, and if the municipal officers so request, there may be more than one (1) appraisal submitted.

The municipal officers must determine whether to restrict consideration of the proposed sale of certain property to the initiator or whether the property should be advertised for sale at a specific price or to the highest bidder. Any time a property is advertised for sale or bid, the municipal officers shall have the unrestricted right to reject any bid. Similar acceptable bids may be resolved by lot.

No city official, or employee, shall acquire from the city any interest in real estate held by the city, or in personal property valued in excess of five hundred dollars (\$500.00), unless such sale occurs by sealed bid after duly advertising the same in a newspaper printed within the city. Any city official who submits a sealed bid shall not take part in the bid acceptance process except a city official may at any time purchase real estate acquired by the city for nonpayment of taxes if said property was owned by the city official's son, daughter, spouse or parent immediately prior to its acquisition by the city and if such purchase is authorized by the city council.

For purposes of this section, city official shall include the mayor and members of the city council, administrator, city solicitor, city clerk, city auditor and the directors of departments.

Sec. 3-6. Procedure for Sale – Tax Acquired Property.

The following procedures shall be followed for all properties acquired through the automatic foreclosure provisions of the property tax law.

(a) The property shall first be offered to the previous owner by sending a letter outlining the provisions of this article within 30 days after the foreclosure date. The failure of the certified mail to be claimed or otherwise received will not affect the procedure for the disposition of tax acquired properties.

(b) If all past due taxes, interest and collectable costs are paid by the deadline, the city will issue a quit claim deed to the owner of record. The issuance of a quit claim deed may be conditioned upon necessary repairs to bring the property into compliance with current codes as determined by the code enforcement officer.

(c) If all past due taxes, interest and collectable costs are not paid within 30 days from the date of the notice provided for above, the property may be sold as provided for other City properties.

(d) No payment plans will be accepted. All past due taxes, interest and collectable costs must be paid in full. Late payments will not be accepted.

(e) For vacant lots, the property shall be offered to abutters at a fair market value. If more than one (1) abutter expresses an interest and is willing to pay the fair market value as determined by the Council, the issue will be resolved by lot. If the abutters fail to negotiate a purchase, the property may be sold in the same manner as other City owned property.

Sec. 3-7. Municipal officers' rights preserved concerning property sale.

Nothing contained in sections 3-1 through 3-6 is in derogation of the rights of the municipal officers to consider these matters in accordance with the provision of Title 1 MRSA, Section 405(6)(c), as amended from time to time.

Sec. 3-8. Lease and sale of city property generally.

The lease of city property for ten (10) years or more (including renewals) and the sale of city real property shall be by council order.

ARTICLE IV. PERSONNEL

Sec. 4-1. Policy manual adopted.

The City Council hereby adopts the January 1998 Personnel Policy Manual as revised or amended from time to time by vote of the City Council and such personnel policy manual is hereby incorporated by reference as if published in its entirety herein. Copies of such Personnel Policy Manual shall be kept for review in the office of the City Clerk.

Charter references: Art. IV, § 7E.

ARTICLE V. SERVICE CHARGES

Sec. 5-1. Authority.

This ordinance is enacted in accordance with 36 M.R.S.A. Section 652(1)(L), as amended.

Sec. 5-2. Service Charge Established.

An annual service charge shall be levied by the municipal officers on all residential property owned by an organization or institution if the property is otherwise exempt from property taxation and used to provide rental income. This service charge shall not apply to student housing or parsonages.

Sec. 5-3. Services Subject to Service Charge.

The service charge established in Section 52-2 shall be calculated according to the actual cost of providing municipal services to the property in question, and the persons who use the property. Services included in making this calculation shall include fire and police protection, road maintenance and construction, traffic control, snow and ice removal, and sanitation services if sanitation services are actually provided to the property.

Sec. 5-4. Calculation of Service Charge.

The service charged levied on an institution or organization will be the residential unit cost multiplied by the number of residential units of the institution or organization. The service charge levied will be for the City's fiscal year and payments will be due at the same time as tax payments.

The residential unit cost will be calculated as follows:

(a) The percentage of square footage of residential buildings to the total square footage of all buildings in the City on April 1st will be determined.

(b) This percentage will be multiplied by the budgeted cost of municipal services subject to the service charge for the fiscal year following the April 1st determination.

(c) The residential unit cost will be the figure in (b) above divided by the total number of residential units in the City on April 1st.

Sec. 5-5. Notification.

For the first fiscal year in which property of an institution or organization may be subject to a service charge, the Assessor will provide notice to the institution or organization by April 15. This notice shall include the limitations contained in Section 5-6. Thereafter, the property will be subject to a service charge without further notification from the Assessor.

Notification of the amount of the service charge will be sent to the institution or organization at the same time that tax bills are sent to taxpayers.

Sec. 5-6. Service Charge Limitation.

The total service charge levied by the City against any organization or institution shall not exceed Two Percent (2%) of the gross annual revenues of that organization or institution. To qualify for this limitation, the organization or institution shall file with the Assessor by June 1st an audit by a certified public accountant of the gross annual revenues of the organization or institution for the year immediately prior to the fiscal year in which the service charge is levied. The City shall abate the service charge amount that is in excess of Two Percent (2%) of the gross annual revenues.

Sec. 5-7. Unpaid Service Charges.

Unpaid service charges shall be collected following a procedure provided in 38 M.R.S.A. Section 1208, as amended.

Sec. 5-8. Use of Revenue.

Revenues accrued from service charges shall be used, as much as possible, to fund the operating cost of providing the services which were considered in calculating the service charge.

Sec. 5-9. Appeals.

Appeal to the Board of Assessment Review may be made of the determination that the property is subject to a service charge, and the amount of the service charge to be levied. The appeal must be filed with the Assessor on a form to be provided by the Assessor. If the appeal is based on a claim that the property is not subject to a service charge, the appeal must be filed no later than the June 1st preceding the fiscal year for which the service charge would be levied. If the appeal is based on the amount of the service charge, it must be filed with the Assessor within thirty (30) days from the date the City mailed the notice showing the amount of the service charge due.

Sec. 5-10. Effective Date.

The Service Charge Ordinance became effective on January 1, 2005.

VI. BOARDS AND COMMISSIONS**Sec. 6-1. Appointments Generally****Sec. 6-1a. Scope.**

Notwithstanding any of the provisions in existing ordinances found in the City of Waterville, the following requirements as to residency and the creation of a vacancy for mayoral appointments to boards and commissions, and the process by which said vacancies are filled shall be determined and governed by this division.

Sec. 6-1b. Residency requirement.

In accordance with the authority granted in Article II, Section 5 (G) of the Charter of the City of Waterville, the mayor shall have the power to appoint members to boards or commissions as those boards or commissions are provided for by the city council by ordinance. All mayoral appointees to boards or commissions must be residents of the City of Waterville, unless otherwise specified.

Sec. 6-1c. Vacancy; procedure for filling.

(a) A mayoral appointment to a board or commission shall be deemed vacant if:

- i. the member's term expires
- ii. the appointee fails to qualify for the appointment by taking the required oath, when requested,
- iii. by reason of death
- iv. resignation
- v. removal and establishment of a primary residence outside of the geographic boundaries of the city
- vi. absence of a member from more than one-half of the regular board or commission meetings in a six-month period
- vii. conviction of a class A, B, or C crime, a crime of any class involving moral turpitude
- viii. violation of any of the duties of office shall render the appointee's office vacant.

(b) If one (1) or more of the criteria set forth hereinabove to create a vacancy are met, the chair of the board or commission shall inform the city clerk of the condition that created the vacancy, and the city clerk is to notify the mayor of such a vacancy. The member of the board or commission who is reported to have vacated the office is to be advised of this fact by the city clerk at the time of the transmittal to the mayor. If the appointee questions the accuracy of the facts that gave rise to the alleged vacancy, the appeal is directly to the mayor who shall be empowered to investigate further.

- (c) Residents who are interested in being appointed must submit a completed application to the Office of the Mayor.
- (d) The Mayor must review all applications that have been submitted from residents interested in serving on any board, commission or committee and conduct interviews with each applicant, if necessary.
- (e) The Mayor's recommendations must be approved by a majority of the City Council.
- (f) Appointed residents must take a sworn oath from the City Clerk before participating in any official business of the board, committee or commission to which appointed.

Sec. 6-1d. Appointment Terms

- (a) All terms shall expire at the end of December in the year that the appointment term ends; however, members whose terms are expiring continue to serve until either they or their successor is appointed and qualified.
- (b) All board, committee and commission members shall be appointed to term lengths of up to 5 years to establish and maintain staggered terms.
- (c) Residents can be appointed to no more than two boards, committees or commissions simultaneously.
- (d) Serving on a board, committee or commission does not guarantee reappointment when a serving member's term expires. Residents interested in being reappointed must submit a timely application and complete the interview process, if required.

Sec.6-2. Board of Assessment Review

Sec. 6-2a. Jurisdiction. The board of assessment review shall have jurisdiction to hear and decide appeals of taxpayers from the decision of either the assessor or from the decision of the municipal officers in those cases where the municipal officers may act, on applications for an abatement of an assessment filed in accordance with Title 36 M.R.S.A. Section 841, as that section may be amended from time to time. A taxpayer may apply in writing to the board of assessment review within sixty (60) days after notice in writing within ten (10) days of the decision from which the appeal is being taken or after the application for abatement is deemed to have been denied in accordance with Title 36 M.R.S.A. Section 842. A poverty abatement shall not be deemed denied. If the board of assessment review determines that the taxpayer is overassessed, the board shall have authority to grant such reasonable abatement as it thinks proper; otherwise, the board will confirm the decision of the assessor or the municipal officers.

The Board of Assessment Review shall also have jurisdiction to hear Service Charge Appeals, pursuant to Section 5-9.

Sec. 6-2b. Appointment. The board of assessment review shall consist of three (3) permanent members and two (2) associate members. The members of the board of assessment review as constituted just prior to the effective date of this section shall be authorized to complete the unexpired balance of their respective terms, and shall be considered permanent members. If reappointed, those members shall be reappointed for a period of three (3) years as permanent members. The initial two (2) associate members shall be appointed for a term of two (2) and three (3) years respectively, and if reappointed shall be reappointed for a period of three (3) years either as a permanent or associate member. All appointments to the board of assessment review shall be by the mayor with the approval of the city council. The composition of the board for the purpose of exercising jurisdiction shall consist of three (3) members of permanent or associate status. An associate member may attend all hearings conducted by the

board of assessment review, but shall have no vote. If a permanent member of the board is unable to vote due to inability to be present at a hearing or because of a conflict in interest, the chair, or the acting chair, shall designate one of the two (2) associate members to replace the absent or recused member with full power to vote.

Sec. 6-2d. Procedures. The procedures to be followed by the board of assessment review shall be those procedures set forth in Title 30-A M.R.S.A. Section 2691 (3) as amended from time to time.

APPROVED

Waterville City Council
Effective: July 22, 2006
(Ordinance 10-2006,
Ordinance 11-2006 &
Ordinance 12-2006)

*As Amended July 10, 2011
(Ordinance 04-2011)*

*As Amended March 20, 2012
(Ordinance 65-2012)*

*As Amended April 17, 2012
(Ordinance 97-2012)*

*As Amended June 18, 2013
(Ordinance 99-2013)*

*As Amended December 3, 2013
(Ordinance 192-2013)*

*As Amended March 18, 2014
(Ordinance 46-2014)*